

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:99-CR-127-3-BO

UNITES STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
ALTON LEE SIMPSON,)
)
 Defendant.)

)

ORDER

This matter is before the Court on defendant's pro se motion to amend restitution order [DE 67]. For the reasons stated herein, the motion is DENIED.

BACKGROUND

Defendant was sentenced on or about February 2, 2000. He received a prison sentence of 212 months plus 5 years of supervised release. He was ordered to pay a special assessment of \$300, plus restitution in the amount of \$7690 for a total amount due of \$7990. The restitution was ordered to be paid jointly and severally with his two codefendants, Antrone Anthony Williams and Anthony Lee Williams, but the special assessment was owed separately by each defendant.

Defendant alleges that he has paid \$2901.99 in restitution which is more than one-third of the total amount of restitution and therefore he should be relieved of having to pay any more. The government disagrees and states that the amount plaintiff cites includes his \$300 special assessment and the payments made by the other defendants in the case in addition to payments made by Mr. Simpson.

DISCUSSION

The Mandatory Victim Restitution Act (MVRA) limits the Court's authority to modify the restitution judgment that this Court previously entered against defendant Simpson. *See* 18 U.S.C. § 3663A. District courts may relax the restitution payment schedule and may apportion restitution among co-defendants at the time of sentencing, but once judgment has been entered against the defendant the Court may not modify or cancel the total amount of restitution. *See United States v. Roper*, 462 F.3d 336, 339 (4th Cir.2006). At this juncture, to reapportion the restitution from a joint and several scheme to individual apportionment would be to modify the total amount of restitution as to Simpson. This Court is without that authority and accordingly denies defendants motion to amend the restitution order.

CONCLUSION

For the foregoing reasons, defendants motion is DENIED.

SO ORDERED, this 3 day of November, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE